

Name	Case No.
Consolidated Gas Supply Corp.	RF340-198
Dallas Gas & Electric, Inc. ..	RF340-200
Four Winds Marine Service, Inc.	RF272-86058
Goodwill Industries of W. N.Y. Inc.	RK272-3405
Gulf Chartering & Marine Services, Ltd.	RF272-74834
Personnel Security Hearing Public Service Company of NC, Inc.	VSO-0158 RF340-199

[FR Doc. 97-32050 Filed 12-5-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of July 14 Through July 18, 1997**

During the week of July 14 through July 18, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585-0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at <http://www.oha.doe.gov>.

Dated: November 26, 1997.

George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 42, Week of July 14 Through July 18, 1997**Appeal**

Tri-State Drilling, Inc., 7/18/97, VFA-0304

The DOE's Office of Hearings and Appeals granted in part a Freedom of Information Act Appeal filed by Tri-State Drilling, Inc. Tri-State sought the release of unsuccessful bids for a specific contract that the Bonneville Power Administration (BPA) withheld in their entirety. The DOE found that BPA's withholding was not sufficiently

explained and justified in its determination letter. Accordingly, the Appeal was remanded to BPA and denied in all other aspects.

Personnel Security Hearings

Personnel Security Hearing, 7/14/97, VSO-0128

A Hearing Officer recommended that access authorization be restored when it was uncontested that the individual used an illegal drug on one occasion. The individual's statements that she had only used illegal drugs on one occasion were corroborated by independent evidence. This evidence included the results of twenty-one random drug tests administered over a long period of time. The Hearing Officer also found that it was unlikely that the individual would use illegal drugs again.

Personnel Security Hearing, 7/16/97, VSO-0141

A Hearing Officer found that an individual had successfully mitigated security concerns arising from an allegation that the individual had molested his former foster child. Accordingly, the Hearing Officer recommended that the individual's access authorization be restored.

Petition for Special Redress

Philip P. Kalodner, 7/16/97, VSG-0001

Philip P. Kalodner requested a "class fee" for his participation in the agency's enforcement proceeding against Occidental Petroleum Corporation. The DOE denied the request on the ground that the purported class, Subpart V claimants, had no cause of action or right of intervention with respect to an agency enforcement proceeding. The DOE rejected Mr. Kalodner's contention that provisions in subparts O and V of the DOE procedural regulations authorized the requested fee. Finally, the DOE rejected Mr. Kalodner's arguments based upon fairness.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Name	Case No.	Date
Crude Oil Supply Refund.	RB272-00114 ..	7/18/97
Enron Corporation/XCEL Products Co., Inc.,..	RF340-203	7/16/97
Jim's Electrical Service et al.	RK272-04455 ..	7/18/97

Name	Case No.	Date
Lee FS Inc.	RG272-00178 ..	7/15/97
Naknek Electric Assoc., Inc..	RJ272-45	7/16/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Bethlehem Steel Corp.	RG272-00088
VA Medical Center	RF272-90205

[FR Doc. 97-32051 Filed 12-5-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of September 1 Through September 5, 1997**

During the week of September 1 through September 5, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585-0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at <http://www.oha.doe.gov>.

Dated: November 26, 1997.

George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 49, Week of September 1 Through September 5, 1997**Appeal**

Hanford Advisory Board, 9/2/97, VFA-0323

The Hanford Advisory Board filed an Appeal of a Determination issued to it in response to a request under the Freedom of Information Act (FOIA). The Appellant had asked for portions of a proposal made by Fluor Daniel Hanford (FDH). In its Determination, the

Richland Operations Office (ROO) denied the request pursuant to Exemption 3 of the FOIA and the National Defense Authorization Act of 1997 (NDAA), which generally prohibits the release of proposals. The DOE found that the NDAA applied to a proposal that was issued prior to the effective date of the statute. The DOE also found that the requested proposal did not meet the requirements of the NDAA's exception to non-disclosure for proposals set forth or incorporated by reference into the final contract. However, because it appeared that the DOE had released information from the proposal in news conferences and press releases, the agency had waived Exemption 3 protection as to that information. Accordingly, the Appeal was granted and the case was remanded to the ROO for further action.

Refund Application

*Pillsbury Company, RC272-97810;
Seneca Foods Corporation, 9/5/97,
RK272-4055*

The DOE rescinded a refund to one company and denied a Supplemental Refund to a another company in the crude oil refund proceeding. Pillsbury Company (Pillsbury) had received a crude oil refund based on the purchases by its affiliate, the Green Giant Co. (Green Giant). Later, the DOE found that another affiliate of Pillsbury, Burger King Corporation (BK), had received a refund from the Surface Transporters Escrow in the Stripper Well refund proceedings. By filing the Stripper Well proceeding, BK waived Pillsbury's right to receive any refund in the crude oil refund proceeding. Accordingly, Pillsbury's crude oil refund was rescinded. The DOE rejected Pillsbury's argument that because Seneca Foods Corporation had assumed the liabilities of Green Giant when it purchased its assets, Seneca should be required to repay the refund.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Name	Case No.	Date
Rollings Farms et al.	RK272-02995	9/5/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Buesing Corporation Towle Manufacturing Company.	RK272-03411 RK272-4144

[FR Doc. 97-32052 Filed 12-5-97; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5932-8]

Use of Monitored Natural Attenuation at Superfund, RCRA Corrective Action, and Underground Storage Tank Sites; OSWER Directive 9200.4-17; Interim Final

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This Directive clarifies the U.S. Environmental Protection Agency's (EPA) policy regarding the use of Monitored Natural Attenuation for the remediation of contaminated soil and groundwater at sites regulated under Office of Solid Waste and Emergency Response (OSWER) programs. These include programs administered under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"), the Resource Conservation and Recovery Act (RCRA), the Office of Underground Storage Tanks (OUST), and the Federal Facilities Restoration and Reuse Office (FFRRO). The Directive is intended to promote consistency in how monitored natural attenuation remedies are proposed, evaluated, and approved. As a policy document, it does not provide technical guidance on evaluating Monitored Natural Attenuation remedies. This Directive is being issued as Interim Final and may be used immediately. It provides guidance to EPA staff, to the public, and to the regulated community on how EPA intends to exercise its discretion in implementing national policy on the use of Monitored Natural Attenuation. The document does not, however, substitute for EPA's statutes or regulations, nor is it a regulation itself and, thus, it does not impose legally-binding requirements on EPA, States, or the regulated community, and may not apply to a particular situation based upon the circumstances. EPA may change this guidance in the future, as appropriate.

ADDRESSES:

Electronic Access. This document can be accessed in electronic form through the Internet (at <http://www.epa.gov/swerust1/directiv/d9200417.htm>).

Order Copies. To order paper copies of this report, please call the U.S. Environmental Protection Agency's (EPA) RCRA, Superfund, OUST & EPCRA Hotline at (800) 424-9346 or DC Area Local (703) 412-9810 or TDD (800) 553-7672 or TDD DC Area Local (703) 412-3323 Monday through Friday between 9 a.m. and 6 p.m. EST.

Docket. This document is available at three OSWER dockets:

(1) The UST Docket is open to the general public by appointment only between the hours of 9 a.m. and 4 p.m. EST Monday through Friday. No security clearance is necessary. Visitors may make photocopies of documents. The street address is: Office of Underground Storage Tanks Docket, 1235 Jefferson Davis Highway, 13th Floor, Arlington, VA 22202. Telephone numbers are (703) 603-9231 (voice mail) and (703) 603-9163 (fax).

(2) The RCRA Docket is located in the RCRA Information Center (RIC). The RIC is open to the public from 9 a.m. to 4 p.m., Monday through Friday, however, it is recommended that visitors call ahead to make an appointment so that the material they wish to view is ready when they arrive. Patrons may call for assistance at (703) 603-9230, send a fax to (703) 603-9234, or send an E-mail to rcra-docket@epamail.epa.gov. Patrons may write to: RCRA Information Center (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The RIC is located at 1235 Jefferson Davis Highway, Ground Level, Arlington, VA 22202.

(3) The Superfund Docket is open to the general public by appointment only between the hours of 9 a.m. to 4 p.m. Monday through Friday. No clearance is necessary and requestors of documents must make their own photocopies. There is no photocopying charge for documents less than 266 pages in length. The street address of the Superfund Docket/Document Information Center is 1235 Jefferson Davis Highway, Ground Level, Arlington, VA 22202. The telephone numbers are (703) 603-9232 and (703) 603-9240 (fax). The E-mail address is: superfund.docket@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: For further information on the OSWER Monitored Natural Attenuation Directive Workgroup and the Interim Final Directive, contact Hal White, via E-mail at white.hal@epamail.epa.gov, telephone at (703) 603-7177, fax at (703) 603-9163, or via U.S. Mail to US EPA (5403G), 401 M Street, SW, Washington DC 20460.